

**REMARKS**

In response to the Final Office Action dated November 20, 2006, and accompanying the RCE filed herewith, Applicant submits the following Amendment.

**PRIOR ART REJECTIONS**

A. Claims 1, 3-8, and 10-16

Claims 1, 3-8, and 10-16 are again rejected under 35 U.S.C. § 103(a) as being unpatentable over USP 5,819,290 (Fujita) in view of USP 5,703,997 (Kitamura). This rejection is traversed.

The Examiner asserts that Fujita discloses all of the elements of independent claims 1, 8, 12 and 14 except a file further having control information. Relying on column 9, lines 35-65 and Fig. 9, the Examiner asserts that Kitamura teaches a recording/reproducing apparatus having means for generating control information and adding the control information to the data as header information used for controlling the data. The Examiner further asserts that it would have been obvious to modify Fujita with the teachings of Kitamura by providing the Fujita apparatus with a control information recording means for recording information together with the data file to thereby

enhance the capacity of the device of Fujita to accurately access the data. The Examiner also asserts that column 9, lines 35-65 and 60-68, and Figs. 9 and 20 of Kitamura teach the claimed dummy data writing means.

Applicant respectfully submits that the Kitamura does not teach these features, as asserted by the Examiner. As presented previously, neither Fujita nor Kitamura teaches or suggests the claimed dummy data writing means. Specifically, there is no teaching or suggestion in Fujita or Kitamura to write dummy data in an area where the data body and/or the control information are written, as recited in independent claims 1, 8, 12 and 14. Regarding Fujita, as admitted by the Examiner, Fujita does not even teach control information. Therefore, Fujita cannot teach to write dummy data in an area where the data body and the control information are written. Also, because Fujita fails to teach a file having control information (as admitted by the Examiner), Fujita cannot teach or suggest a writing means for writing data body and control information in parallel in an area of the data area being in an empty state, as recited by claims 1, 8, 12 and 14. Regarding Kitamura, the relied on sections of Kitamura merely teach to add a padding packet in order to adjust the length of the pack to 2048 bytes.

Regarding independent claims 3, 13, 15 and 16, we note that these claims do not include the dummy data writing means. These claims include the link information writing means (or step) that creates link area information that links the specific areas where the data body and control information are

written. The Examiner asserts that Fujita teaches the claimed link information writing means. But, the Examiner admits that Fujita does not teach control information. Therefore, since the link information writing means (or step) links areas where the data body and control information are written, Fujita cannot teach the link information writing means.

The Examiner asserts that column 9 and Figs. 6 and 9 of Kitamura teach a recording / reproducing apparatus for generating control information. These sections of Kitamura merely teach to add a padding packet in order to adjust the length of the pack to 2048 bytes. There is no teaching or suggestion in Kitamura to create link area information that links the specific areas where the data body and control information are written, as recited in independent claims 3, 13, 15 and 16.

Further, as set forth in claims 1 and 12, the multimedia information file comprises a plurality of components such as control information and data body that are simultaneously generated. Writing of the control information and the data body “in an arbitrary sequence in parallel” is allowed at the time of recording in the recording medium by the file writing means (file writing step) (see page 19, line 21 through page 20, line 4 of the subject specification), so that efficient processing for recording the multimedia can be achieved. In other words, a plurality of clusters for writing the control information and the data body are specified, and the control information and the data body are written in each specified cluster “in an arbitrary sequence in parallel,” so that the control

information and data body can be written in the recording medium at high speed. Moreover, in order to complete the multimedia file thus recorded, dummy data is written in an area in an empty state among the specific areas after the data body and the control information are written. Thus, the multimedia file can be written in the recording medium at high speed. Neither Fujita nor Kitamura teaches this procedure for writing the control information, data body and dummy data.

Therefore, the combination of Fujita and Kitamura does not form the claimed invention. Thus, the rejection of claims 1, 3-8 and 10-16 under 35 U.S.C. § 103(a) should be overcome.

In addition, Applicant submits that Kitamura is not relevant to the present invention. Kitamura is directed to solving the problems created when the recording medium has audio data representing English and other languages, and the English caption is turned off when other languages are present. In particular, the problems are solved by preparing an additional English caption associated with the conversations of languages other than English and used when the main English caption is turned off. This is significantly different than the present invention, which is directed to efficiently writing a multimedia information file in a recording medium file at high speed.

Further, Applicant submits that above features of the invention make it possible to record the multimedia information file in a recording medium at

high speed, which is a noticeable effect not entirely achieved by the cited references.

Thus, Applicant submits that the rejection of claims 1, 3-8, and 10-16 under 35 U.S.C. § 103(a) is improper and should be withdrawn.

#### B. Claims 17-18

Claims 17-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitamura in view of USP 5,801,781 (Hiroshima). This rejection is traversed.

Applicant submits that Hiroshima fails to overcome the above-noted deficiencies of Kitamura. Also, Applicant submits that Kitamura is not relevant to the present invention because Kitamura is directed to solving the problems created the English caption is turned off and other languages are present. This is significantly different than the present invention, which is directed to efficiently writing a multimedia information file in a recording medium file at high speed. Also, Hiroshima is not relevant to the present invention, as it is directed to an apparatus for converting a motion picture stream from one international standard to another.

Therefore, Applicant submits that the combination of Kitamura and Hiroshima does not form the present invention. Also, Applicant submits that

there would be no motivation to combine features of an apparatus for converting a motion picture stream from one international standard to another (i.e., Hiroshima) into a data recording apparatus capable of presenting a sub-picture at a proper timing according to the kind of audio data to be reproduced (i.e., Kitamura).

Further, claims 17 and 18 are characterized by: (1) recording two pieces of size information of control information including dummy data; and (2) the procedure for reproducing the multimedia information file including the dummy data (namely, skipping the dummy data and reading the control information except the dummy data on the basis of the recorded two pieces of size information, and reproducing the multimedia information file comprising the control information except the dummy data and the data body). Neither Kitamura nor Hiroshima teaches these features (1) and (2).

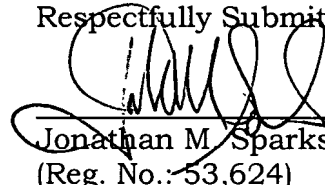
Thus, Applicant submits that the rejection of claims 17 and 18 under 35 U.S.C. § 103(a) is improper and should be withdrawn.

Based on the foregoing, Applicant submits that the present application is in condition for allowance and allowance is respectfully solicited. If the Examiner believes that any of the outstanding issues could be resolved by a telephone conference, Applicant respectfully requests the Examiner to contact the undersigned at the telephone number listed below.

Applicant believes that no additional fees are due for the subject application. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. 04-1105.

Date: April 20, 2007  
Customer No.: 21874  
604446

Respectfully Submitted,



---

Jonathan M. Sparks, Ph.D.

(Reg. No.: 53,624)

for John J. Penny, Jr.

(Reg. No.: 36,984)

EDWARDS ANGELL PALMER & DODGE LLP

P.O. Box 55874

Boston, Ma 02205

Tel: (617) 517-5549

Fax: (617) 439-4170